

### **RELATED APPLICATIONS**

Applicants note that there is another application, Serial Number 10/546,654, which contains similar subject matter to the present application. This other application is being examined by the same examiner, and has recently been withdrawn from appeal.

### **FURTHER REMARKS**

Claims 16-36 are now in this application.

Claim 16 has been revised by adding the word "one" as suggested by the examiner.

Claim 28 has been revised by adding more detail of the yielding region and its function.

Claim 33 has been revised so as to recite the additional limitations that "the magnet element is a rare earth hollow-cylindrical magnet element", that the "carrier body is spaced apart from the magnet element by a very small gap in the radial direction", and "wherein the carrier body is spaced apart from the covering disks in the axial direction by another very small gap, and wherein there is no material in the gaps so that the gaps can be made very small".

New claim 36 has been added, which new claim is a combination of the details recited in claims 16, 25, 30 and 32. Additionally, claim 36 has added language which recites functional details of the recited structure.

In the Office action the examiner rejected:

claims 16, 18, 19, 21, 25, 26, 30, 31 and 35 as anticipated by Weiland, DE 3021607,  
claim 28 as unpatentable over Weiland,

claims 17 and 20 as unpatentable over Weiland in view of Sato et al., EP 1 075073,

claims 22-24, 27, 29 and 32 as unpatentable over Weiland in view of Beeh, US 1996946,

claim 33 as unpatentable over Weiland in view of Kojima et al., US 2001/0048261, and  
claim 34 as unpatentable over Weiland in view of Denk et al., US 4667123.

For the most part, the prior art cited by the examiner is indeed close to the structure recited by the claims.

However, with regard to the examiner's rejection of claim 17, it is pointed out that the shoulder of Sato et al. is a shoulder on a gear, not a shoulder on the shaft. Thus, contrary to the examiner's rejection, the combination of Weiland and Sato et al. does not meet the limitations of claim 17 which recites "a second axial end of the magnet element rests on a shaft shoulder of the rotor shaft". Accordingly, claim 17 defines over the prior art of record, and defines over the prior art in a way which would not be obvious to one skilled in the art.

With regard to the examiner's rejection of claims 23 and 24, the prior art does **not** show slits of different lengths. The examiner has indicated a belief that this limitation is an obvious modification. However, paragraphs 9, 10 and 31 of the specification recite specific advantages for the differing lengths of the slits. As pointed out in the specification, in the past it has been very difficult, if not impossible, to use rare earth magnets in a device such as that of applicants. And these paragraphs of the specification set forth that these differing lengths of the slits give the unexpected and particularly advantageous results which make it possible to now use rare earth magnets. These slits of differing lengths unexpectedly provide a better absorption of and compensation for the differing thermal expansion of the rare earth magnets with respect to the rest of the structure surrounding them.

Claims 25 and 26 also add details of the mounting structure which allows for the differential thermal expansions. And contrary to the examiner's indication, Weiland does not teach the yielding region or that the yielding region comprises a bead as recited in claims 25 and 26.

The examiner's rejection of claim 33 based on Weiland in view of Kojima et al. may have been a valid rejection. However, claim 33 has been revised so that it now recites structure which is not taught by the cited prior art. The newly recited details of structure in claim 33 particularly allows for the use of rare earth magnets in a motor such as disclosed in this application. Paragraphs 2, 4, 29 and 32 of the specification speak of the gap being minimal, with no adhesive or other material in the gap. These paragraphs also detail the particular advantages that such structure, particularly the lack of adhesive or other connecting material, provides for the present invention. In particular, these details, that the gaps are small and that there is no material in the gaps, allows for relative displacement between the ring magnet and the carrier body and the covering discs. This kind of relative movement, because of, for example, thermal expansion, is not possible in a device such as that of Kojima et al. because of the cushioning members 4 and 5.

These details and their advantages are clearly not present in Kojima et al., nor are these details disclosed in any of the cited prior art. Having no material in the gap is one of the particular features which allows for the use of a rare earth magnet as discussed in paragraphs 2, 13 and 31 of the specification. Thus, claim 33 is clearly allowable over the prior art.

New claim 36 has been added, and it recites a combination of the limitations found in claims 16, 25, 30 and 32. Thus, new claim 36 recites a combination of the details of this

invention which is not taught or made obvious by the prior art which has been applied against this application.

The annular groove in the permanent magnet body of Weiland, conversely to what is claimed, points away from elastic covering discs and any possible relative motion between the ring magnet and the armature shaft, since the solid connection of the hubs 5 to the annular groove of the ring magnet does not allow for any temperature compensation.

Moreover, it makes no sense whatsoever to combine the references to Weiland and Beeh, as the examiner has done in the rejection of claims 22-24, 27, 29 and 32. Weiland has a ring magnet, and Beeh teaches a plurality of bar magnets 2 combined with yokes 9. The bar magnets and yokes of Beeh make for an entirely different structure than a ring magnet such as Weiland's, and applicants', and thus it is not seen what, if any, relationship there is between the mounting structure of Beeh and that of applicants', since the magnets are of an entirely different shape and have an entirely different configuration. The mounting structure of one could not be used to mount the other without a plurality of non-obvious modifications.

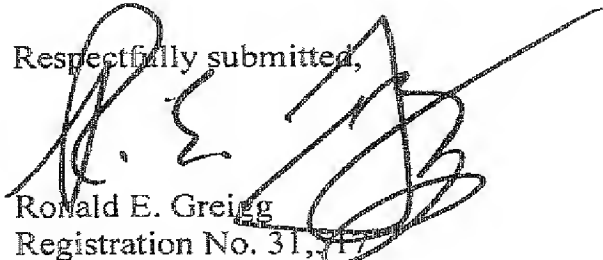
Entry of this amendment and reconsideration of the claims is respectfully solicited.

Accompanying this amendment is a request for an extension of time of one month, along with the requisite fee.

Appl. No. 10/576,099  
Amdt. dated July 20, 2009  
Reply to Office action of April 9, 2009

The Commissioner is authorized to charge payment for a one month extension of time, for an extra claim in excess of twenty, or any other necessary fees in connection with this communication, to Deposit Account Number 07-2100.

Respectfully submitted,



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